



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

AR0021

SFUND RECORDS CTR
88202742

JUN 1991

Certified Mail No. P 678 500 132
RETURN RECEIPT REQUESTED

Mr. Mike McFall
Nevada Department of Transportation
1263 So. Steward Street
Carson City, Nevada 89712

Re: Order pursuant to 42 U.S.C. Section 9606; Order No.
91-14, Notice of Potential Liability

Dear Mr. McFall:

This letter notifies the Nevada Department of Transportation (NDOT) that it may be a responsible party under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; 42 U.S.C. Section 9601, et seq. (CERCLA) for releases of hazardous substances at a parcel of property bounded by U.S. Highway 50, Douglas Street, River Road, and the Dayton park, in Dayton, Nevada (the "Site"), and encloses an Order directing NDOT to take steps to abate the endangerment at the Site. The enclosed Order is issued to the State of Nevada Department of Transportation, and Mr. John Benum and Ms. Peggy Benum.

EPA has spent, and is considering spending additional public funds on actions to investigate and control such releases or threatened releases at the Site. EPA is authorized to perform these actions pursuant to Section 104 of CERCLA.

Under Section 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6973 (RCRA), and other laws, potentially liable parties may be obligated to implement response actions deemed necessary by EPA to protect human health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for investigations, planning, response, and enforcement activities.

EPA has evaluated information in connection with the Site, concerning persons who may be associated with it. Based on this information, EPA believes that you may be a responsible party with respect to this Site. Responsible parties under CERCLA include current and former owners and operators of the site as well as persons who arranged for disposal of hazardous substances found at the site, or persons who accepted hazardous substances for transport to the site. Specifically, EPA has determined that the State of Nevada is a legal owner of a portion of the Site.

In accordance with CERCLA and other authorities, EPA already has undertaken certain actions and incurred certain costs in response to the conditions at the Site. These response actions included a preliminary assessment to identify hazardous wastes present at the Site, and to assess the potential threats and conditions present on-Site. EPA may expend additional funds for response activities at the site under the authority of CERCLA and other laws.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. Section 9613(k), EPA will establish an administrative record file that will contain documents that form the basis for EPA's decision on the selection of a removal action for the site. The administrative record will be open to the public for inspection and comment. The administrative record will be located at a nearby public building to be determined at a later date.

AGENCY CONTACT

U.S. Environmental Protection Agency
Robert Mandel, On-Scene Coordinator
Mail Code H-8-3
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 744-2290

For any legal questions please contact:

Michael Hingerty
Assistant Regional Counsel
Office of Regional Counsel
Phone: (415) 744-1315

If you or your attorney have any questions pertaining to this matter, please direct them to OSC Robert Mandel or Michael Hingerty, respectively, at the above address.

Sincerely,



Jeff Zelikson
Hazardous Waste Management Division